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CHESAPEAKE & O. RY. CO. *v.* REBMAN & CLARK.

Nov. 16, 1916.

[90 S. E. 629.]

1. **Carriers (§ 218 (6)\*)—Live Stock—Failure to Deliver—Liability.**—Under a bill of lading fixing live stock value and limiting recovery to that sum, the shipper can recover any damage less than such valuation which resulted from delivery of other and inferior stock, although he realized on the market more than such valuation.

[Ed. Note.—For other cases, see Carriers, Cent. Dig. §§ 674-696, 940-945, 949; Dec. Dig. § 218 (6).\* 16 Va.-W. Va. Enc. Dig. 249.]

2. **Carriers (§ 218 (10)\*)—Live Stock—Notice of Damages.**—Failure to give notice of damages by delivery of other and inferior live stock instead of those consigned, within five days of delivery, does not preclude recovery where notice was given without delay on discovery of the loss.

[Ed. Note.—For other cases, see Carriers, Cent. Dig. §§ 674-696, 947; Dec. Dig. § 218 (10).\* 2 Va.-W. Va. Enc. Dig. 692.]

Error to Circuit Court, Craig County.

Action by Rebman & Clark against the Chesapeake & Ohio Railway Company. Judgment, on demurrer to the evidence, in favor of plaintiffs, and defendant brings error. Affirmed.

*J. M. Perry*, of Staunton, for plaintiff in error.

*Hugh A. White*, of Lexington, and *G. W. Layman*, of New Castle, for defendants in error.

CITY OF RICHMOND *v.* DREWRY-HUGHES CO.

Nov. 23, 1916.

[90 S. E. 635.]

1. **Municipal Corporations (§ 956 (2)\*)—Taxation—Levy—"Intangible Personal Property."**—Acts Ex. Sess. 1915, c. 85, provides that all taxable real estate and tangible personal property shall be subject to local taxation only, and that licenses on all taxable intangible personal property and other classes of property not specifically enumerated shall be subject to state taxation only, but that a city shall not be prevented from levying a tax on said segregated intangible personal property at a rate not to exceed 30 cents upon \$100, and that the capital of merchants shall be subject only to be taxed locally as prescribed by law. Held, that the city of Richmond, although it has plenary powers of taxation under its charter, is limited in its

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.